

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 13, 2003

DIVISION ONE

B165740 Mark Ford, et al (Not for Publication)

v.
Superior Court, Los Angeles County
(Bimbo Bakeries USA, Inc., r.p.i.)

The petition is granted, and a peremptory writ shall issue commanding the trial court to vacate its order granting Bimbo's motion to compel disclosure of plaintiffs' tax returns, and to enter a new and different order denying that motion. Plaintiffs are awarded their costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B164055 People (Not for Publication)

v.
Michael Raby

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B156617 People (Not for Publication)

v.
David Abber

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

May 13, 2003 (Continued)

DIVISION TWO

B158940 Brown (Not for Publication)
v.
Lincoln Memorial Park, Inc.

The judgments in favor of respondent are affirmed. Appellants' attorneys are ordered to bear respondent's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B158324 People (Not for Publication)
v.
Nichols

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B155431 People (Not for Publication)
v.
Nevarez

The judgment is modified to strike the imposition of one of the two 1-year terms that the court previously imposed for the service of a separate prison term under Penal Code section 667, subdivision (b). The aggregate term of punishment properly should be 51 years to life, consisting of two consecutive terms of 25 years to life for the two robbery offenses, enhanced by one year for the service of a separate prison term. As modified, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

May 13, 2003 (Continued)

DIVISION TWO (Continued)

B160410 People (Not for Publication)
v.
Valentine

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B154962 People
v.
Sfera

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B149957 People
v.
Matthews et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B128811 People v. Garcia
B152618 People v. Reese
B159960 People v. Shah
B160908 People v. Hickman
B162348 People v. Ruiz
B161170 Children and Family Services v. Ivory B.
B156922/B161916 People v. Nash--In Re Christopher Nash on H.C.
B159681 People v. Ilejay

DIVISION THREE (Continued)

Each of the following (continued):

B155806 People v. Wolik

B162640 People v. Hang

B159988 People v. Alfaro

Argument waived, cause submitted.

B157913 First American Title Company, et al.
 v.
 Mirzaian, et al.

Merits:

Argued by James H. Treadwell for respondents. Argument waived by the appellant. Cause submitted.

B159974 Robert D.
 v.
 Mario G.

Merits:

Argued by Jon D. Cantor for appellant and by Crane S. Landis for respondent. Cause submitted.

B159756 Ford
 v.
 Applegate

Merits:

Argued by Anita S. Brenner for appellant and by Tobie Waxman for respondent. Supplemental letter brief ordered. Submission deferred.

B142515 Merritt, et al.
 v.
 Merritt

Merits:

Argued by Neal C. Tenen for appellant and by Lynn Soodik, respondent in propria persona. Cause submitted.

May 13, 2003 (Continued)

DIVISION THREE (Continued)

B146504 People v. Magana
B164935 In Re Jose Magana on HabeasCorpus

Merits:

Argued by Jerry D. Whatley for appellant and by Joseph P. Lee, deputy attorney general for respondent. Cause submitted.

Court recessed at 11:20 a.m.

Court reconvened at 1:30 p.m.

Present Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B164008 People
 v.
 Carty

Merits:

Argued by Richard B. Lennon for appellant and by Steven D. Matthews, deputy attorney general for respondent. Cause submitted.

B158594 Wolkowitz, et al.
 v.
 Zinder, Blackburn, Park, Clements, et al.

Merits:

Argued by Jeremy M. Faith for appellants and by Kevin P. Kamraczewski and Bartley Becker for respondents. Cause submitted.

Court adjourned at 3:49 p.m.

May 13, 2003 (Continued)

DIVISION FIVE

B158564 People (Not for Publication)
v.
Willie Clifford Coley

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B153897 People (Not for Publication)
v.
Gary M. Townes

Two of the 3 five-year sentence enhancements imposed pursuant to Penal Code section 667, subdivision (a)(1) are reversed. The cause is remanded to allow the trial court to exercise its sentencing discretion as to the Penal Code section 12022.3, subdivision (a) deadly weapon use enhancement discussed in the body of this opinion. The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment, which reflects: the imposition of only 1 Penal Code section 667, subdivision (a)(1) 5-year enhancement; the \$2,000 fine imposed pursuant to Penal Code sections 1202.4, subdivision (b); the correct offense is kidnapping to commit rape; and the 25-year-to-life sentence imposed and stayed pursuant to Penal Code section 654, subdivision (a) as to the aggravated kidnapping count. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

May 13, 2003 (Continued)

DIVISION FIVE (Continued)

B161963 Los Angeles County, D.C.S. (Not for Publication)
v.
Robert G.

The order terminating Robert G.'s parental rights is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B155606 People (Not for Publication)
v.
Jose Maciel

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B155135 People (Not for Publication)
v.
Mario Velasco

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

May 13, 2003 (Continued)

DIVISION FIVE (Continued)

B154790 People (Not for Publication)
v.
Travion A. McCraw

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment which accurately reflects defendant's sentence of life without the possibility of parole. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B154298 Maxine Richter
v.
Aetna Life Insurance

Defendant's petition for rehearing filed May 7, 2003, is denied. Mutual and Aetna were represented by the same attorneys on appeal and filed a joint respondents' brief and a joint cross-appellants' brief. The interests of defendants were interrelated. An award of costs of Aetna is denied in the interests of justice. (Cal Rules of Court, rule 27 (a) (4).)

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

May 13, 2003 (Continued)

DIVISION SIX (Continued)

B163533 In re Deja C. P-M, (Not for Publication)
 SLO Department of Social Services
 v.
 Shae A. P.

The appeal is dismissed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B161618 People (Not for Publication)
 v.
 Puerto

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B167009 Marriage
 of
 Lindeman

Filed order dismissing appeal as premature. Appeal (notice of appeal filed March 7, 2003) dismissed.

DIVISION SEVEN

B161153 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Teresa R. et al.,
 In re Louie R., et al.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J.

May 13, 2003 (Continued)

DIVISION SEVEN (Continued)

B158039 Caldera (Not for Publication)

v.

Golden Eagle Insurance Corp.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J.

B156405 People (Not for Publication)

v.

Silva

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Munoz, J. (Assigned)

B156731 People (Not for Publication)

v.

Jones

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Munoz, J. (Assigned)

May 13, 2003 (Continued)

DIVISION SEVEN (Continued)

B157169 People (Not for Publication)
v.
Figueroa

The abstract of judgment shall be corrected to reflect that appellant was convicted of attempted second degree robbery in count 2, and the sentence imposed for that conviction is stayed. The judgment is modified to reflect presentence credit of 491 days , 427 actual and 64 conduct. In all other respects the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment consistent with this opinion and send it to the California Department of Corrections.

Woods, Acting P.J.

We concur: Johnson, Acting P.J.
Munoz, J. (Assigned)